

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-00706-MOC-DSC
CONSOLIDATED**

CINCINNATI INSURANCE COMPANY,)
)
Plaintiff,)
)
v.)
)
NVR, INC.,)
)
Defendant.)

THIS MATTER is before the Court on the following Motions:

1. “Defendant NVR, Inc.’s Motion to Transfer Venue [to the United States District Court for the District of South Carolina]” (document #4);
2. Plaintiff’s “Motion for Judgment on the Pleadings” (document #15);
3. “Defendant NVR, Inc.’s Motion to Dismiss for Failure to Join a Necessary and Indispensable Party” (document #18); and
4. “Fairway Townes Owners’ Association, Inc.’s Amended Motion to Intervene” (document #29) and “Motion for Hearing on Motion to Intervene” (document #30).

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636, and these Motions are now ripe for consideration.

On January 25, 2013, the Honorable Max O. Cogburn, Jr. consolidated this action and the related action NVR, Inc. v. Cincinnati Ins. Co., 3:13cv29-MOC-DSC following transfer of the related action to this District from the District of South Carolina. See “Order” (document #27).

Having conferred with Judge Cogburn's chambers, and in the interests of judicial economy and efficiency, **IT IS HEREBY ORDERED** that:

1. "Defendant NVR, Inc.'s Motion to Transfer Venue [to the United States District Court for the District of South Carolina]" (document #4) is **DENIED AS MOOT**.

2. "Fairway Townes Owners' Association, Inc.'s Amended Motion to Intervene" (document #29) is **GRANTED**. The "Motion for Hearing on Motion to Intervene" (document #30) is **DENIED AS MOOT**.

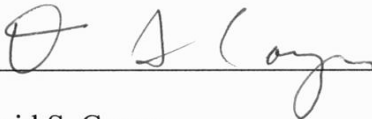
3. "Defendant NVR, Inc.'s Motion to Dismiss for Failure to Join a Necessary and Indispensable Party" (document #18) is administratively **DENIED AS MOOT**.

4. Plaintiff's "Motion for Judgment on the Pleadings" (document #15) is administratively **DENIED WITHOUT PREJUDICE**. The parties may file dispositive motions on the issue of insurance coverage or any other issues following conclusion of discovery, as governed by the Court's forthcoming Pretrial Order and Case Management Plan.

5. The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: February 19, 2013



David S. Cayer
United States Magistrate Judge

